

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA

LAVERN BERRYHILL, )  
                        )  
                        Plaintiff, )  
                        )  
                        vs.         )                              No. CIV-12-225-C  
                        )  
UNITED STATES OF AMERICA, et al., )  
                        )  
                        Defendants. )

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff brought the present action pursuant to 42 U.S.C. § 1983, seeking recompense for alleged violations of his constitutional rights. Consistent with the provisions of 28 U.S.C. § 636(b)(1)(B), this action was referred to United States Magistrate Judge Robert E. Bacharach. Judge Bacharach entered a Report and Recommendation on April 17, 2012, recommending Plaintiff's case be summarily dismissed as frivolous. Plaintiff has objected to the recommendation.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. As Judge Bacharach noted, Plaintiff has failed to present a legally cognizable claim. Moreover, the Court notes that Plaintiff has incurred at least 15 strikes under 42 U.S.C. § 1915(g) for filing frivolous matters (see Berryhill v. Workman, et al., CIV-11-324-FHS-SPS (E.D. Okla. Feb.

14, 2012) (Dkt. No. 7)), yet Plaintiff has failed to demonstrate that he is in imminent danger of serious physical harm.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge (Dkt. No. 21), and summarily dismisses this action as frivolous. All pending motions are STRICKEN as moot.

IT IS SO ORDERED this 15th day of May, 2012.



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ROBIN J. CAUTHRON  
United States District Judge